

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STRYKER CORPORATION and
HOWMEDICA OSTEONICS CORP.,

Plaintiffs,

Case No. 1:17-cv-00066

v.

Hon. Paul L. Maloney

XL INSURANCE AMERICA, INC., formerly
known as WINTERTHUR INTERNATIONAL
AMERICA INSURANCE COMPANY,

Defendant.

Stipulation and Order Amending Case Management Order

Plaintiffs, Stryker Corporation and Howmedica Osteonics Corp., and Defendant, XL Insurance America, Inc., jointly stipulate and request that the Court amend the Case Management Order. The reason for this request is that the parties have engaged in motion practice regarding certain document discovery issues (RE 65, 70, 73, 76, 79) and those motions have delayed the commencement of deposition and the preparation of expert reports. The parties do **not** request an extension of lay witness discovery, an extension of the dispositive motion deadline, or a delay in the trial date. Rather, the parties stipulate and request that the deadlines for expert discovery only be modified as follows:

1. Expert Disclosures: The parties request that this deadline, which is currently set for June 3, 2019, be extended to **July 31, 2019**.

2. Expert Reports: The parties request that this deadline, currently set for June 3, 2019, be extended to **August 30, 2019**.
3. Rebuttal Expert Reports: The current Case Management Order does not provide for rebuttal reports. The parties request the opportunity for such experts and request that the deadline for such reports be set for **September 20, 2019**.
4. Expert Deposition Cut-off: The parties request that the deadline be set for **October 21, 2019**.
5. No other deadlines change: This stipulation does not affect any other deadlines. Namely, the deadline for lay witness discovery remains at **September 5, 2019** and the filing deadline for dispositive motions remains **October 31, 2019**. The dates for the settlement conference, final pre-trial conference, and trial remain unchanged.

The parties also stipulate that the ten deposition limit in the Case Management Order does not apply to expert depositions or *de bene esse* depositions.

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Dated: April 29, 2019

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ORDER

Having reviewed the foregoing stipulation, the Case Management Order is modified as set forth above.

IT IS SO ORDERED.

Dated: April ____, 2019

Hon. Paul L. Maloney
U.S. District Court